THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.8663 of 1998

Dated 04-07-2002

Between:
M.Rajaiah.

..... PETITIONER

AND

The Manager, Medak Depot, APSRTC, Medak District.

.....RESPONDENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.8663 of 1998

O R D E R:

This is an unfortunate case where a claim for payment of provident fund and gratuity has not only fallen on the deaf ears of the respondent-Corporation, but is also compounded by its indifference to his plight when he approached this Court.

Neither has the Corporation filed any counter affidavit nor has its counsel chosen to appear when the matter was taken up for hearing.

The petitioner was removed from service by the Depot Manager, Medak, consequent on his being found guilty in a departmental enquiry. His repeated requests for payment of provident fund and gratuity did not find favour with the respondent-Corporation. He is said to have approached the Assistant Commissioner of Labour, Sangareddy under Section 3(A) of the Payment of Gratuity Act, 1972, and the Assistant Commissioner of Labour is said to have negatived his request on the ground that it is barred by limitation. Petitioner would contend that since the respondent-Corporation was required to pay the amount within 30 days, the mere fact that he had approached the Assistant Commissioner belatedly should not disentitle him from payment of the terminal benefits which is legitimately due and payable to him by the respondents herein.

In the absence of a counter affidavit being filed and in the absence of the standing counsel for the respondent-Corporation being present when the writ petition was heard, this Court is in no position to ascertain whether the petitioner is entitled for payment

of gratuity and provided fund, and if so, whether the said amounts were already paid or not. I consider it appropriate, therefore, to direct the respondent herein to verify as to the entitlement of the petitioner for payment of provident fund and gratuity and if these amounts have not already been paid, to pass appropriate orders. The entire exercise in this regard shall be completed within a period of four months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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04-07-2007

usd